



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,674	12/18/2001	Jonathan E. Schmidt	122085.002.001	3270

7590 04/18/2006
RG and Associates
1103 Twin Creeks
Allen, TX 75013

EXAMINER

PATEL, ASHOKKUMAR B

ART UNIT PAPER NUMBER

2154

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/023,674

Applicant(s)

SCHMIDT ET AL.

Examiner

Ashok B. Patel

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 5 and 40-42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-42 are subject to examination. Claims 5 and 40-42 are cancelled.

Response to Arguments

2. Applicant's arguments filed 09/28/2005 have been fully considered but they are not persuasive for the following reasons:

Simmons teaches in col. 4, line 1 through 25, " In this way, the network access system of the present invention overcomes the aforementioned, as well as other, problems associated with the known technique of broadcasting bulletins from remote information servers. First, by distributing bulletins from network access systems, advertisers can always distribute bulletins to users regardless of which remote information servers the users choose to connect to. Second, also for the reason that advertising is being distributed from the network access system rather than the remote information servers, advertisers do not have to determine which remote information servers contain the most popular newsgroups or World Wide Web pages to insure exposure to the targeted audience. Third, the network access system can always identify the users of the network access system with absolute certainty since the users are required to provide verifiable log-in information when initially accessing the network access system. Fourth, advertisers can restrict the distribution of bulletins to only those external computers within the geographical region surrounding the network access system. Fifth, advertisers, by paying advertising fees to the network access system provider, enable the users of external computers to receive free or discounted access to

wide area computer networks similar to that realized in other advertising media such as television, radio, and newspaper.”

Thus, the network access system is viewed as the “redirecting device” and the bulletin server is viewed as the “consolidating and management device.”

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-21, 23-26, 35-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Simmons (US 5, 974, 451).

Referring to claim 1,

Simmons teaches a method for communicating real-time to subscribers of an Internet Service Provider (ISP) (Fig. 2), comprising the steps of:

a. Accessing, by a redirecting device, subscriber upstream web traffic to a destination site requested by the subscriber; (col. 5, line 8-13, “In addition to delivering bulletins with information being relayed by the network access systems, in preferred embodiments of the present invention, the network access systems also determine whether bulletins are to be delivered and which bulletins are to be delivered to the external computers.”, and line 30-47)

Art Unit: 2154

- b. Identifying, by the redirecting device, the subscriber to provide a unique subscriber identification based on the accessed subscriber upstream traffic (col. 4, line 14-18);
- c. Providing, by the redirecting device, the unique subscriber identifier to a consolidating and management device (col. 5, line 30-47);
- d. Determining, by the consolidating and management device, the subscriber associated with the unique subscriber identification, and if a bulletin message for the subscriber is desired, sending policy information to the redirecting device, wherein the policy information includes at least one of: time of delivery, frequency, triggering activity, an associated web page to be delivered or other content to be delivered (col. 4, line 4-8, col. 3, line 47-67, col. 6, line 15-58, col. 5, line 30-47); and
- e. If bulletin message for the subscriber is not desired, allowing, by the redirecting device, a connection to the destination site to proceed normally (col. 3, line 64-67).
- f. If the bulletin message for the subscriber is desired, examining, by the redirecting device, the accessed upstream traffic to determine if it is possible to send a redirection, wherein the examining occurs without modifying the accessed upstream traffic; (col. 5, line 8-13, "In addition to delivering bulletins with information being relayed by the network access systems, in preferred embodiments of the present invention, the network access systems also determine whether bulletins are to be delivered and which bulletins are to be delivered to the external computers.", and line 30-47) and
- g. Based on the policy information, sending to the subscriber by the redirecting device, the redirection for a different destination site. (col. 5, line 4-8, "The bulletin

Art Unit: 2154

delivery function operates by sending bulletins along with information being relayed by the network access systems from the remote information servers to the external computers.”)

Referring to claim 2,

Simmons teaches the method of claim 1, wherein the bulletin message vehicle is an area within a window on the subscriber PC's browser. (Abstract).

Referring to claim 3,

Simmons teaches the method of claim 1, wherein the bulletin message vehicle is a prompt provided on the subscriber PC. (col. 6, line 33-38)

Referring to claim 4,

Simmons teaches the method of claim 1, wherein the subscriber is a customer identification comprising at least one of an account number, modem MAC address or serial number, or other fixed identifier. (col. 4, line 14-18).

Referring to claim 6,

Simmons teaches the method of claim 1, wherein the subscriber is identified to belong to a defined group of subscribers and wherein the bulletin message is selectively sent to a pre-selected subscriber group. (col. 4, line 1-13, col. 5, line 41-44, Abstract)

Referring to claim 7,

Simmons teaches the method of claim 1, wherein the examining step further includes working through Web browsers irrespective of the World Wide Web destination sought by the subscriber (col. 4, line 4-8, col. 5, line 30-47).

Referring to claim 8,

Simmons teaches the method of claim 7, further including the step of returning the subscriber to the original World Wide Web destination after the bulletin message has been transmitted. (col. 6, line 33-38)

Referring to claim 9,

Simmons teaches the method of claim 1, wherein the examining step is further adapted for working with multiple types of content.(col. 5, line 30-47)

Referring to claims 10 and 11,

Simmons teaches the method of claim 1, wherein the examining step is performed by a hardware device that can be simply connected at various points, in plurality, in a provider infrastructure. (Fig. 2, element 201), and the method of claim 10, further including a plurality of said hardware devices. (col. 8, line 24-50).

Referring to claim 12,

Simmons teaches the method of claim 10, further including the step of providing optional fail-safe operation of each device such that failure does not disrupt other normal browsing and Internet activity of the subscriber but results only in an interruption of bulletin message delivery. (Fig. 2, col. 3, line 63-67, Bulletin Server is inherently designed, placed and providing functionality to not to interfere other normal browsing and Internet activity of the subscriber but results only in an interruption of bulletin message delivery if failed.)

Referring to claims 13 and 14,

Art Unit: 2154

Simmons teaches the method of claim 1, wherein examining step is provided by a software system installed on a computer system that is connected at various points, singly or in plurality, in a provider infrastructure, and The method of claim13, further including a plurality of hardware devices, each including one of said software system. (col. 8, line 24-50, Fig. 2, element 201, (col. 8, line 24-50).

Referring to claim 15,

Simmons teaches the method of claim 13, further including the step of providing optional fail-safe operation of each device such that failure does not disrupt other normal browsing and Internet activity of the subscriber but results only in an interruption of bulletin message delivery. (Fig. 2, col. 3, line 63-67, Bulletin Server is inherently designed, placed and providing functionality to not to interfere other normal browsing and Internet activity of the subscriber but results only in an interruption of bulletin delivery if failed.)

Referring to claims 16, 17 and 18,

Simmons teaches the method of claim 1, further including the step of defining a specific policy for controlling selective transmission of bulletin messages to the subscriber. (col. 5, line 34-41), and the method of claim 16, further including the step of defining a policy that includes a Web URL or other page information, and the method of claim 16, further including the step of defining a policy that includes timing and frequency of delivery. (col. 9, line 39-54).

Referring to claim 19,

Simmons teaches the method of claim 16, further including the step of defining a

Art Unit: 2154

policy for activating the redirecting device to deliver a message in response to a selected subscriber activity. (col. 9, line 39-54).

Referring to claims 20 and 21,

Simmons teaches the method of claim 19, wherein the activity comprises a defined destination, and the method of claim 19, wherein the activity comprises an amount of activity by the subscriber. (col. 9, line 39-54).

Referring to claims 23 and 24,

Simmons teaches the method of claim 1, further including the step of generating a plurality of independently designated policies to be delivered correctly to the subscriber even if some policy events invoke in simultaneity, and the method of claim 23, wherein the examining step includes an ability to acquire the knowledge of the policies and the identifier when a Web or other request is detected with only an identifying IP address. (col. 9, line 39-54).

Referring to claim 25,

Simmons teaches the method of claim 24, wherein the examining step is further adapted for minimizing the overhead of acquiring subscriber parameters through caching of the subscriber information that for a determined portion of the time. (col. 8, line 66 through col. 9, line 54, col. 3, line 10-15).

Referring to claim 26,

Simmons teaches the method of claim 1, wherein the examining step is further adapted for use in connection with the consolidating and management device management device for permitting a group of redirecting devices to be viewed by the provider as a

Art Unit: 2154

single system. (Fig. 2, (col. 5, line 4-8, "The bulletin delivery function operates by sending bulletins along with information being relayed by the network access systems from the remote information servers to the external computers.").

Referring to claims 35, 36 , 37 and 38,

Simmons teaches the method of claim 16, further including the step of logging successful transmission of bulletin messages to each subscriber, and the method of claim 16, further including the step of logging interactive responses that have been requested within the policy, and the method of claim 16, further including the steps of detecting and logging the number of simultaneously requested Web connections, based on the transmission of the bulletin messages, and the method of claim 37, further including the step of flagging subscribers that are utilizing more than one simultaneous device per subscription. (col. 5, line 31-47, col. 6, line 22-58, col. 8, line 24-50)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 22, 27-34 and 39 are rejected under 35 U.S.C. 103(a) as being Unpatentable over Simmons (US 5, 974, 451) in view of Castell et al. (hereinafter Castell)(US 2002/0132607 A1).

Referring to claim 22,

Art Unit: 2154

Keeping in mind Simmons teachings as stated above, Simmons fails to teach method of claim 19, wherein the activity comprises a request carrying a signature of virus contamination.

Castell teaches wherein the activity comprises a request carrying the signature of virus contamination. (Abstract, para. [0046], [0047])

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to provide and enhance Simmon's Bulletin server with Castell's a message detector and an all points bulletin (APB) generator such that the message detector applies predefined filtering rules to identify and act upon unsolicited email messages to reduce the total number of transmissions in the wireless communication system. The APB generator allows messages to be sent to wireless mobile communication devices through direct wireless messages instead of through email messages.

Referring to claims 27 and 28,

Keeping in mind Simmons teachings as stated above, Simmons fails to teach the method of claim 1, wherein the identifying step uses an enforced delivery of a Web page to be used in a distribution and subscription of new subscribers without prior knowledge of serial numbers associated with the new subscriber's interface equipment and without requiring the subscriber to utilize special software and the method of claim 27, further comprising the step of using the enforced delivery of a Web page to reduce a volume of telephone support requests by an enforced pre-announcement of known, future system outages due to scheduled maintenance.

Castell teaches the claimed elements in (para. [0049] and [0053]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to provide and enhance Simmon's Bulletin server with Castell's a message detector and an all points bulletin (APB) generator such that once an unsolicited message is identified by message detector, an automatic APB message can be generated by APB generator to notify and warn an intended recipient user, or all users, about the unsolicited message. Furthermore, global filter rules can be automatically created by the wireless congestion reduction system by updating its database with a "black-list" of known unsolicited messages or unsolicited message senders.

Referring to claims 29, 30, 31, 32 and 33,

Keeping in mind Simmons teachings as stated above, Simmons fails to teach the method of claim 27, further comprising the step of using the identifier for detection of "signature" forms of Internet packets that indicate a presence of undesirable Content, and the method of claim 29, wherein the undesirable content is a virus, and the method of claim 29, further including the step of transmitting a message identifying the undesirable content to a provider, and the method of claim 29, further including the step of transmitting a bulletin message identifying the undesirable content to the subscriber, and the method of claim 31, further including the step of logging the undesirable content identifying message.

Castell teaches the claimed elements in (para.[0058]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to provide and enhance Simmon's Bulletin server with Castell's a message detector and an all points bulletin (APB) generator such that once an unsolicited message is identified by message detector, an automatic APB message can be generated by APB generator to notify and warn an intended recipient user, or all users, about the unsolicited message. Furthermore, global filter rules can be automatically created by the wireless congestion reduction system by updating its database with a "black-list" of known unsolicited messages or unsolicited message senders.

Referring to claim 34,

Simmons teaches the method of claim 28, wherein there is further manually accessed provider information Web site and the transmitting step includes enforcing a delivery of other subscriber-beneficial information that is currently displayed on the manually accessed provider information Web site. (col. 6, line 51-58).

Referring to claim 39,

Keeping in mind Simmons teachings as stated above, Simmons fails to teach the method of claim 16, further including the step of transmitting explanations to be issued, in an enforced manner, to subscribers, after a service interruption, in such a manner as to alleviate customer dissatisfaction by illuminating and explaining the problem and the future efforts that are to be taken to eliminate such problems.

Castell teaches the claimed elements in para.[0050].

Art Unit: 2154

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to provide and enhance Simmon's Bulletin server with Castell's a message detector and an all points bulletin (APB) generator such that in the event that an email virus attack cripples mail servers, APB messages can still be sent to all mobile device users informing them of the status of the email system. Thus, there is less reliance on messaging servers, and user frustration is minimized during an email outage as taught by Castell.

Conclusion

Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

Art Unit: 2154


shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abp


JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100